

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

SEAN SMITH and CRYSTAL SMITH,)
)
Plaintiffs,)
)
v.) Case No.: CIV-17-1302-D
)
CSAA FIRE AND CASUALTY)
INSURANCE COMPANY,)
)
Defendant.)

DEFENDANT'S OBJECTIONS TO PLAINTIFFS' FINAL EXHIBIT LIST

Pursuant to this Court's Scheduling Order, the Defendant, CSAA Fire and Casualty Insurance Company ("CSAA"), submits the following Objections to Plaintiffs' Final Exhibit List:

1. Most of the exhibits listed by Plaintiffs on Plaintiffs' Final Exhibit List have never been furnished to CSAA's counsel for review and consideration. For example, CSAA has not yet seen Plaintiffs' Exhibit Nos. 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, and 26. For this reason, CSAA objects to the use of these exhibits at trial.

2. CSAA does not know what Plaintiffs' Exhibits 21 through 24 are, and have requested some clarification from Plaintiffs' counsel. Until that clarification is provided, CSAA asserts its objections to unknown exhibits.

3. CSAA objects to Plaintiffs' Exhibit No. 25 (Sean Wiley Rebuttal Expert Report) for two reasons: (1) CSAA has withdrawn David Battle as an expert, obviating the need for a rebuttal expert on the same subject matter, and (2) expert reports are generally inadmissible

because they are cumulative if the expert also testifies. If the expert does not testify on rebuttal, his report constitutes hearsay. Further, CSAA objects to the admission of any documents and photographs created and/or relied upon by Sean Wiley.

4. CSAA objects to Plaintiffs' Exhibit No. 32 on the grounds the information and documentation is privileged.

5. CSAA objects to Plaintiffs' Exhibit No. 33 on the grounds it is vague and overly broad. Plaintiffs must be required to specify the Interrogatory answers they intend to offer as exhibits at trial. Until/unless Plaintiffs specify the Interrogatory answers in question, it is not possible to object further.

Respectfully submitted,

s/ Gerard F. Pignato

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**ATTORNEYS FOR DEFENDANT, CSAA
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COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2018, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Steven S. Mansell, Esquire
Mark A. Engel, Esquire
Kenneth G. Cole, Esquire
M. Adam Engel, Esquire

s/ Gerard F. Pignato
For the Firm